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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,848

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Yuji Kawamori

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1936

7590 10/17/2008  
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EXAMINER

SCHATZ, CHRISTOPHER T

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,848	<b>Applicant(s)</b> KAWAMORI, YUJI	
	<b>Examiner</b> CHRISTOPHER SCHATZ	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, drawn to method.

Group II, claim(s) 6-13, drawn to an apparatus.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. As to claim 1 and claims 6 and 7, the common technical features between claim 1 and claims 6 and 7 are as follows:

*Using a pressing device to fix the glass plates; using an applicator head to apply a spacer forming material; using a spacer forming material supply means having an extruding means that extrudes the spacer forming material while melting and mixing and a fixed displacement pump.*

The shared technical features do not qualify as special technical features because they do not represent a contribution over the prior art. Evidence that the

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shared technical features do not represent a contribution over the prior art can be found in JP 2000-246780; and JP 2000-119537.

4. As to claim 2-4 and claims 6 and 7, claims 2, 3 and 4 each share the same technical features with claim 7 that claim 1 shares with claims 6 and 7. The applicant is referred to section 3 above. As to claims 2-4 and claim 7, claims 2, 3 and 4 each share the following technical features with claim 7:

*using a glass plate fixing means for fixing one of the glass plates; using an applicator head for applying a spacer forming material and a sealing agent in a layered state; spacer forming material supply means having an extruding means that extrudes the spacer forming material while melting and mixing the material and a fixed displacement pump for supplying the spacer forming material extruded from the extruding means to the applicator head; sealing agent supply means having a fixed displacement pump for supplying the sealing agent to the applicator head.*

The shared technical features do not qualify as special technical features because they do not represent a contribution over the prior art. Evidence that the shared technical features do not represent a contribution over the prior art can be found in JP 2000-246780; JP 2000-119537; and JP 10-511072.

5. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

If the applicant elects Group I above, the applicant is required to elect one of the following species:

**Species A:** a method wherein no sealing layer is present (apparently claims 1 and 5)

**Species B:** a method wherein a sealing layer is dispensed outwardly of a spacer between the glass plates (apparently claims 2 and 5).

**Species C:** a method wherein a sealing agent is dispensed on upper and lower surfaces of a spacer (apparently claims 3 and 5).

**Species D:** a method wherein a sealing layer is dispensed both outwardly of a spacer and on upper and lower surfaces of a spacer (apparently claims 4 and 5).

6. If the applicant elects Group II above, the applicant is required to elect one of the following species:

**Species E:** an apparatus without a sealing agent supplying means (apparently claims 6 and 8-13).

**Species F:** an apparatus with a sealing agent applying means (apparently claims 7-13).

7. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

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The common technical feature between Species A and Species B, C, and D is a spacer. Such a feature is known as disclosed by JP 2000-246780. As such, the common technical feature does not qualify as a special technical feature.

The common technical feature between Species B and Species C is a spacer. See above.

The common technical features between Species B and Species D are a spacer and a sealing agent formed outwardly of the spacer. Such features are known as disclosed by JP 2000-246780 and/or JP 2000-119537. As such, the common technical features do not qualify as special technical features.

The common technical features between Species C and Species D are a spacer and a sealing agent forming on upper and lower surfaces of the spacer. Such features are known as disclosed by JP 2000-246780 and/or JP 2000-119537. As such, the common technical features do not qualify as special technical features.

8. The shared technical features of Species E and Species F are as follows:

*a glass plate fixing means for fixing one of the glass plates; an applicator head for applying a spacer forming material; spacer forming material supply means having an extruding means that extrudes the spacer forming material while melting and mixing the material and a fixed displacement pump for supplying the spacer forming material extruded from the extruding means to the applicator head; and an articulated robot that moves the applicator head along the periphery of the one of the glass plate.*

Such features are known as disclosed by JP 2000-246780 and/or JP 2000-119537 and/or JP 10-511072. As such, the common technical features do not qualify as special technical features.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/CHRISTOPHER SCHATZ/

Examiner, Art Unit 1791

/Richard Crispino/

Supervisory Patent Examiner, Art Unit 1791